

Before the Honorable Lonny R. Suko, Judge

Jeremy R. Larson, WSBA No. 22125
 Samuel T. Bull, WSBA No. 34387
 Foster Pepper & Shefelman PLLC
 1111 Third Ave., Suite 3400
 Seattle, WA 98104-3299
 Tel: 206-447-4400
 Attorneys for Plaintiff

C. Richard McQueen, GaB No. 499000
 Carl V. Kirsch, GaB No. 424000
 Greene, Buckley, Jones & McQueen
 2970 Clairmont Road, Suite. 1010
 Atlanta, GA 30329
 Tel: 404-420-5913 (Direct McQueen)
 Tel: 404-355-5115 (Direct Kirsch)
 Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF WASHINGTON
 AT SPOKANE

The UNITED STATES of America)
 for the Use and Benefit of Graybar)
 Electric Company, Inc., a New York Corp-)
 oration, and GRAYBAR ELECTRIC)
 COMPANY, INC., Individually,)
)
 Plaintiffs)
 vs.)
)
 OVERSTREET ELECTRIC CO., INC,)
 a Florida Corporation and ATLANTIC)
 MUTUAL INSURANCE COMPANY,)
 a New York Corporation,)
)
 Defendants)
)

CIVIL ACTION
 FILE NO. CV-05-0068-LRS

**ORDER ON PLAINTIFF'S
 MOTION FOR LEAVE TO
 DISMISS ATLANTIC MUTUAL
 INSURANCE COMPANY**

THE WITHIN AND FOREGOING Plaintiff's Motion for Leave to dismiss co-defendant, Atlantic Mutual Insurance Company ("Atlantic"), with prejudice on grounds that Plaintiff and Atlantic have settled their mutual differences having been duly read and considered, and it appearing that no objection thereto has been filed

1 and that counsel for Graybar and Atlantic have consented to the terms of this order
2 as evidenced by their signatures below, it is the ORDER AND JUDGMENT of this
3 court that Plaintiff's Motion for Leave to Dismiss its Complaint against Atlantic
4 Mutual Insurance Company with prejudice be and is GRANTED; that Plaintiff's
5 Complaint against Atlantic Mutual Insurance Company is hereby ORDERED dis-
6 missed with prejudiced in accordance with Fed.R.Civ.P. 41(2). Each party shall be
7 responsible for the payment of their own attorney fees and expenses of the above
8 litigation.

9 So ordered this 29th day of August, 2006.

10
11 s/Lonny R. Suko

12 _____
13 LONNY R. SUKO, Judge
14 U. S. District Court

15 Prepared and submitted by:

16 s/ Carl V. Kirsch
17 Attorney, Pro Hac Vice, for Plaintiff
18 1010 Park Central
19 2970 Clairmont Road
20 Atlanta, Georgia 30329
21 Tel: (404) 355-5115 (Direct)
22 Fax: (404) 351-8812 (Direct)
23 Ga. Bar No. 424000
24 Email: carlkirsch@bellsouth.net

25
26 [Continued on Following Page]

Agreed to by:

s/ Ty Thompson

Ty G. Thompson

Mills Paskert Divers PA - FL

100 N. Tampa Street, Ste. 2010

Tampa, FL 33602

Email: tthompson@mpdlegal.com

[Signed by Carl V. Kirsch with the consent
of Mr. Thompson]

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Plaintiff's Order on Motion

for Leave to Dismiss Atlantic Mutual Ins. Co. with prejudice

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the date set out below, he electronically filed a copy of **PROPOSED ORDER ON PLAINTIFF'S MOTION FOR LEAVE TO DISMISS COMPLAINT AGAINST ATLANTIC INSURANCE COMPANY, INC.** with Clerk of Court using the court's CM/ECF system which will serve the Defendants and their counsel identified below with notification of filing and that he has personally served a copy of the above-referenced document to be made on all Defendants and their counsel below by email in accordance with the consent each signed upon registration to use this court's CM/ECF system.

For Overstreet Elec. Co, Inc., Pro Se

Attorneys for Atlantic Mutual Ins. Co.

Sherry Chancellor¹
Trustee for Overstreet
Morton Law Center
6050 North 9th Avenue
Pensacola, Florida 32504
Email: chancellor@mortonlawcenter.com

Henry K. Hamilton
Grieff & Hamilton, PLLC
Attorneys at Law
520 Pike Street, Ste.1440
Seattle, WA 98101
Email: hamilton@jmg-law.com

Pro Hac Vice Attorneys for Atlantic Mutual Insurance Company:

E.A. (Seth) Mills, Jr.
Mills Paskert Divers PA - FL
100 N. Tampa Street, Ste. 2010
Tampa, FL 33602
Email: smills@mpdlegal.com

Ty G. Thompson
Mills Paskert Divers PA - FL
100 N Tampa Street, Ste. 2010
Tampa, FL 33602
Email: tthompson@mpdlegal.com

Date of this Certificate: August 1, 2006.

/s/ Carl V. Kirsch
CARL V. KIRSCH, of Counsel
Greene, Buckley, Jones & McQueen
Pro Hac Vice Attorneys for Plaintiff

Park Central, Suite 1010
2970 Clairmont Road
Atlanta, Georgia 30329
Tel: (404) 355-5115
Fax: (404) 351-8812
Email: carlkirsch@bellsouth.net
Ga. Bar. No. 424000

¹This party also served by mail.